IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4194 OF 2004

Shri.R.M.Shinde .. Petitioner

Vs.

Shree Acharyaratna De Shbhooshan
Shikshan Prasarak Mandal & Ors. .. Respondents

Mr.Manish Mistry i/b. M/s.M.P.Vashi & Associates for the Petitioner.
Mr.P.I.Khemani, A.G.P. for Respondent No.4.

CORAM : DR.S.RADHAKRISHNAN & V.M.KANADE, JJ.

DATE : 23rd AUGUST, 2006.

P.C.:

1. By this Petition, the Petitioner is seeking the implementation of the order dated 6th April, 2000, passed by the Shivaji University, Kolhapur.

2. The Petitioner, who is presently working as a Lecturer in 2nd Respondent-College, contends that he had joined the 2nd Respondent on 26th September, 1973 and he has been continuously working with the said College, as a Lecturer. It appears that the Petitioner was appointed by appointment letter dated 1st July, 1983 and joined on 26th September, 1973. On 4th October, 1998, the Petitioner had made a grievance that he has not been given proper senior scale and selection grade to which, he is entitled in view of the length of the service, he has put in. It is the contention of the Petitioner that he is entitled to senior pay scale and selection grade, after completion of 7 years and 15 years respectively. Therefore, the

Petitioner seems to have approached the Shivaji University Grievance Committee on 19th January, 1994. Ultimately, on 29th January, 1994, the Grievance Committee of the University made recommendation that the Petitioner should be placed in P-2 category and it was also recommended that he must be placed in the selection grade with pay scale of Rs.3700-5700 with effect from 4th October, 1988. Inspite of the same, Respondent Nos.1 and 3 did not comply with the same. The Petitioner had again raised the grievance before the Shivaji University. The said Respondent-University, vide its communication dated 23rd April, 1994 directed Respondent No.2 to implement the said recommendation.

3. Ultimately, by a communication letter dated 6th April, 2000, Shivaji University had specifically sent a letter by RPAD to the Principal of the said College being Respondent No.2, which reads as under :-

> . In spite of various above referred letters of the University directing you to comply with the resolution of the Grievance Committee of the University dated 7th December, 1996 by which you are directed to give revised pay and pay scale and difference of pay to Shri.Agnihotri and Shri.Shinde, the teachers working in your college you have failed to comply with the same. The University has received letters in this behalf from yours Shri.Agnihotri and Shri.Shinde.
>
> . You are trying to put forth the ground of non-receipt of grants of Govt., which is unacceptable.
>
> . This is, therefore, to give you the notice as to why approval given by the University to you as Principal of the College in question may not be withdrawn due to your failure to comply with the University directions.

. On your failure to give satisfactory explanation to this notice, University will be compelled to take further action, which please note very seriously.

. Hence the Notice.

4. The said letter was sent by the Director of the Board of College and University Development, Shivaji University , Kolhapur. In spite of the same, there is no response. The Petitioner, thereafter approached the Chancellor, by his letters dated 9th May, 2000 and 11th August, 2000. Even then there is no compliance by the College.

5. Even today, none of the Respondents are appearing before this Court, though all the Respondents have been duly served. It is apparent that the Grievance Committee had specifically recommended that the Petitioner should be fixed in P-2 category, considering the service of the Petitioner and his pay scale should be fixed at selection grade scale of Rs.3700-5700 with effect from 4th October, 1988. Over and above, the above mentioned communication of the University dated 6th April, 2002 makes it abundantly clear that Respondent Nos.1 and 2 have to comply with the same. Hence, for the aforesaid reasons, Rule is made absolute in terms of prayer clauses (a) & (b). Respondent Nos.1 and 2 shall comply with the same within a period of eight weeks from today.

(DR.S.RADHAKRISHNAN,J.)

(V.M.KANADE,J.)